

REMARKS

To substantiate the present restriction, the examiner equates the technical feature, common to Group I and Group II claims, with “a mutant of a microorganism of the genus *Rhodococcus*” (office action at page 2, penultimate paragraph). Finding such a mutant in the disclosures of Hashimoto *et al.* (2002), the examiner concludes that there is no “special technical feature” that links the two claim groups.

Applicants would emphasize, however, that the common technical feature between Group I and Group II is not a *Rhodococcus* mutant, as such, but rather a mutant characterized by a higher sensitivity to lysozyme than a wild-type microorganism of that genus. Certainly, Hashimoto *et al.* does not disclose this technical feature.


Furthermore, method claim 4 is revised presently to recite “a mutant ... according to any one of claims 1 to 3.” Even by the examiner’s rationale, therefore, entry of this amendment means that Group I and Group II surely have a special technical feature in common.

Based on the foregoing, it is submitted that the claims of Groups I and II should be examined together.

The Commissioner is authorized to charge any additional fees, which may be required regarding this application under 37 CFR §§ 1.16-1.17, and to credit any overpayment to Deposit Account No. 19-0741. Should no proper payment accompany this response, then the Commissioner is authorized to charge the unpaid amount to the same deposit account.

Respectfully submitted,

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